

Last revised 8/1/15

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In Re:
Yvonne Esther Tolliver

Case No.: 16-27050

Judge: _____

Chapter: 13

Debtor(s) 1st modified plan

Chapter 13 Plan and Motions

- | | | |
|---|--|--|
| <input type="checkbox"/> Original | <input checked="" type="checkbox"/> Modified/Notice Required | <input checked="" type="checkbox"/> Discharge Sought |
| <input type="checkbox"/> Motions Included | <input type="checkbox"/> Modified/No Notice Required | <input type="checkbox"/> No Discharge Sought |

Date: May 17, 2017

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE

YOUR RIGHTS WILL BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

Part 1: Payment and Length of Plan

a. The debtor shall pay \$ 309.00 per month to the Chapter 13 Trustee, starting on June 1, 2017 for approximately 43 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

- ☐ Future earnings
- ☒ Other sources of funding (describe source, amount and date when funds are available):
Rental Income

c. Use of real property to satisfy plan obligations:

☐ Sale of real property

Description:

Proposed date for completion: _____

☐ Refinance of real property:

Description:

Proposed date for completion: _____

☒ Loan modification with respect to mortgage encumbering property:

Description: 17 Lockwood Ave Freehold, NJ & 117 Center Street Freehold NJ

Proposed date for completion: 6 months after confirmation

d. ☒ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection

a. Adequate protection payments will be made in the amount of \$ _____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).

b. Adequate protection payments will be made in the amount of \$ _____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: _____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
William H. Oliver Jr.	Administrative Expenses	\$2,954.30 (current balance)

Part 4: Secured Claims

a. Curing Default and Maintaining Payments

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
Selene Finance	117 Center St Freehold, NJ	Unknown	\$0	arrears may be paid pending loan modification	\$2,750.00
Borough of Freehold	117 Center Street property tax and water/sewer tax	\$9,677.00		\$9,677.00	included in above
Fay Servicing	17 Lockwood Ave Freehold, NJ	Unknown	\$0	arrears may be paid pending loan mod	\$1557.53

b. Modification

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this Section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

c. Surrender

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt

d. Secured Claims Unaffected by the Plan

The following secured claims are unaffected by the Plan:

e. Secured Claims to be Paid in Full Through the Plan:

Creditor	Collateral	Total Amount to be Paid Through the Plan

Part 5: Unsecured Claims

a. Not separately classified allowed non-priority unsecured claims shall be paid:

☒ Not less than \$ 0 to be distributed *pro rata*

☐ Not less than _____ percent

☐ *Pro Rata* distribution from any remaining funds

b. Separately classified unsecured claims shall be treated as follows:

Creditor	Basis For Separate Classification	Treatment	Amount to be Paid

Part 6: Executory Contracts and Unexpired Leases

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor

Part 7: Motions

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f).

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
Midland Funding LLC Attorney: Pressler & Pressler	Real Estate	Judgement Lien J-298958-2010	\$18,866	\$298,800 (center st) \$246,000 (lockwood)		\$426,000 (center st) \$346,000 (lockwood)	Total amount of lien
Midland Funding LLC Attorney: Pressler & Pressler	Real Estate	Judgement Lien DJ-141380-2011	\$14,500.00	\$298,800 (center st) \$246,000 (lockwood)		\$426,000 (center st) \$346,000 (lockwood)	Total amount of lien
New Century Financial	Real Estate	Judgement Lien DJ-047340-2013	\$11,550.00	\$298,800 (center st) \$246,000 (lockwood)		\$426,000 (center st) \$346,000 (lockwood)	Total amount of lien

b. Motion to Avoid Liens and Reclassify Claim From Secured to Completely Unsecured.

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon confirmation
☐ Upon discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Trustee shall pay allowed claims in the following order:

- 1) Trustee commissions
- 2) Other Administrative Claims - William H. Oliver Jr.
- 3) Secured Claims
- 4) Lease Arrearages
- 5) Priority Claims 6) General Unsecured Claims

d. Post-Petition Claims

The Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being Modified: September 2, 2016.

Explain below **why** the plan is being modified:

The plan is being modified to adjust the freehold Boro proof of claim for taxes and water and sewer.

Explain below **how** the plan is being modified:

Part 1a is changed to be \$309 x 43 months
Part 4a is changed to show claim amount for Freehold Boro.

Are Schedules I and J being filed simultaneously with this Modified Plan?

☒ Yes ☐ No

Part 10: Sign Here

The Debtor(s) and the attorney for the Debtor (if any) must sign this Plan.

Date: May 17, 2017

/s/William H. Oliver Jr.
Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: May 17, 2017

/s/Yvonne Esther Tolliver
Debtor

Date: _____

Joint Debtor

Certificate of Notice Page 8 of 9
 United States Bankruptcy Court
 District of New Jersey

In re:
 Yvonne Esther Tolliver
 Debtor

Case No. 16-27050-KCF
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-3

User: admin
 Form ID: pdf901

Page 1 of 2
 Total Noticed: 47

Date Rcvd: May 19, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 21, 2017.

db +Yvonne Esther Tolliver, 117 Center Street, Freehold, NJ 07728-2430
 aty +Aldridge Pite, LLP, 4375 Jutland Drive, Suite 200, P.O. Box 17933,
 San Diego, CA 92177-7921
 lm +Fay Servicing, 901 South 2nd Street, Suite 201, Springfield, IL 62704-7909
 lm +Selene Financing, 9990 Richmond Ave., Suite 400, South Houston, TX 77042-4546
 cr +U.S. Bank National Association, as Trustee for Sta, Stern & Eisenberg, 1581 Main Street,
 Suite 200, Warrington, PA 18976-3400
 516376701 +A 1 Collection Servi, 2297 State Highway 33 St, Hamilton Square, NJ 08690-1717
 516376702 #+ACB Receivable Mgmt., 19 Main St., Asbury Park, NJ 07712-7012
 516376703 +Arriva Card, 3525 E. Post Road Ste 120, Las Vegas, NV 89120-6282
 516591848 +Bank of America N.A., P O Box 982284, El Paso, TX 79998-2284
 516785476 +Borough of Freehold, c/o Kerry E. Higgins, Esquire, 229 Broad Street,
 Red Bank, NJ 07701-2009
 516778812 +Borough of Freehold, 51 West Main Street, Freehold, NJ 07728-2114
 516376706 ++CAPITAL ONE, PO BOX 30285, SALT LAKE CITY UT 84130-0285
 (address filed with court: Capital One Bank Usa N, 15000 Capital One Dr,
 Richmond, VA 23238)
 516376707 Capital One N.A, C/O American Infosource, Oklahoma City, OK 73154
 516376710 CentraState Healthcare System, PO Box 838, Mahwah, NJ 07430-0838
 516376708 +Central Jersey Emerg. Med. Assoc, P.O. Box 7200, Freehold, NJ 07728-7200
 516376709 CentraState Family Mediciae Residency, PO Box 417984, Boston, MA 02241-7984
 516376711 +Chase, PO Box 15298, Wilmington, DE 19850-5298
 516376712 +Fay Servicing LLC, 939 W North Ave, Chicago, IL 60642-7138
 516376713 +Foreclosure Processing Services, Superior Court Clerk, PO Box 971, Trenton, NJ 08625-0971
 516376714 +Freehold Borough, 51 West Main Street, Freehold, NJ 07728-2114
 516376716 #Keystone Financial Services, PO Box 730, Allenwood, NJ 08720-0730
 516592904 +New Century Financial Services, Inc., c/o Pressler and Pressler, LLP., 7 Entin Road,
 Parsippany NJ 07054-5020
 516376721 +New Century Mortgage, PO Box 15298, Wilmington, DE 19850-5298
 516376725 Pressler & Pressler, 7 Entin Rd., Parsippany, NJ 07054-5020
 516376727 ++STATE OF NEW JERSEY, DIVISION OF TAXATION BANKRUPTCY UNIT, PO BOX 245,
 TRENTON NJ 08646-0245
 (address filed with court: State of New Jersey, Department of the Treasury,
 Division of Taxation, P.O. Box 187, Trenton, NJ 08695-0187)
 516376726 +Selene Finance Lp, 9990 Richmond Ave Ste 40, Houston, TX 77042-8500
 516376728 ++TRIAD FINANCIAL CORP, 5201 RUFE SNOW DRIVE, SUITE 400, NORTH RICHLAND HILLS TX 76180-6036
 (address filed with court: Triad Financial, 5201 Rufe Snow Dr Ste 40,
 North Richland Hills, TX 76180)
 516376729 +Triad Financial Group, PO Box 562088 Suite 900, Dallas, TX 75356-2088
 516376730 Wells Fargo bank, PO Box 5445, Portland, OR 97228
 516598114 +Wilmington Trust, National Association, Fay Servicing, LLC,
 440 S. LaSalle Street, Suite 2000, Chicago, IL 60605-5011

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 smg E-mail/Text: usanj.njbankr@usdoj.gov May 19 2017 23:14:41 U.S. Attorney, 970 Broad St.,
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534

smg +E-mail/Text: ustpreign03.ne.ecf@usdoj.gov May 19 2017 23:14:37 United States Trustee,
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
 Newark, NJ 07102-5235
 516440112 +E-mail/Text: bnc@atlasacq.com May 19 2017 23:14:00 Atlas Acquisitions LLC, 294 Union St.,
 Hackensack, NJ 07601-4303
 516376704 +E-mail/Text: bankruptcy@cavps.com May 19 2017 23:15:00 Calvary, P.O. Box 1030,
 Hawthorne, NY 10532-7509
 516376705 +E-mail/Text: bankruptcy@cavps.com May 19 2017 23:15:00 Calvary Portfolio Service,
 Attention: Bankruptcy Department, PO Box 1017, Hawthorne, NY 10532-7504
 516430386 +E-mail/Text: bankruptcy@cavps.com May 19 2017 23:15:00 Cavalry SPV I, LLC,
 500 Summit Lake Drive, Ste 400, Valhalla, NY 10595-1340
 516376715 E-mail/Text: cio.bncmail@irs.gov May 19 2017 23:14:09 Internal Revenue Service,
 Special Procedures, Bankruptcy Section, P.O. Box 724, Springfield, NJ 07081
 516376717 +E-mail/Text: bankruptcydpt@mcmcg.com May 19 2017 23:14:36 Midland Credit Management,
 PO Box 939019, San Diego, CA 92193-9019
 516376718 +E-mail/Text: bankruptcydpt@mcmcg.com May 19 2017 23:14:36 Midland Funding LLC,
 P.O. Box 603, Oaks, PA 19456-0603
 516376719 +E-mail/PDF: bankruptcy@ncfsi.com May 19 2017 23:05:04 New Century Financial,
 110 S Jefferson Rd, Whippany, NJ 07981-1038
 516376720 +E-mail/PDF: bankruptcy@ncfsi.com May 19 2017 23:05:04 New Century Financial Services,
 110 S. Jefferson Road, Suite 104, Whippany, NJ 07981-1038
 516376724 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com May 19 2017 23:23:37
 Portfolio Recovery Associates, P. O. Box 12914, Norfolk, VA 23541
 516376722 E-mail/Text: bankruptcy@plaingreenloans.com May 19 2017 23:15:15 Plain Green,
 93 Mack Road Suite 600, Box Elder, MT 59521
 516376723 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com May 19 2017 23:11:50
 Porfolio Recovery, PO Box 12914, Norfolk, VA 23541-0914
 516701501 +E-mail/Text: bknotices@sns.com May 19 2017 23:15:45 U.S. Bank National AssociatioN,
 C/O SN Servicing Corp., 323 5th Street, Eureka, CA 95501-0305

District/off: 0312-3

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 47

Date Rcvd: May 19, 2017

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

516701502 +E-mail/Text: bknotices@sns.com May 19 2017 23:15:45 U.S. Bank National Association,
C/O SN Servicing Corp., 323 5th Street, Eureka, CA 95501, U.S. Bank National Association,
C/O SN Servicing Corp. 95501-0305
516557991 +E-mail/Text: bankruptcy.notices@selenefinance.com May 19 2017 23:14:04
U.S. Bank National Association, et al., c/o Selene Finance LP,
9990 Richmond Avenue, Suite 400 South, Houston, TX 77042-4546

TOTAL: 17

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update.
While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: May 21, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 18, 2017 at the address(es) listed below:

Albert Russo on behalf of Trustee Albert Russo docs@russotrustee.com
Albert Russo docs@russotrustee.com
Denise E. Carlon on behalf of Creditor Wilmington Trust, National Association, not in its individual capacity but as Trustee of ARLP Securitization Trust Series 2015-1
dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
Steven Eisenberg on behalf of Creditor U.S. Bank National Association, as Trustee for Stanwich Mortgage Loan Trust, Series 2012-3 bkecf@sterneisenberg.com, jmcnally@sterneisenberg.com/skelly@sterneisenberg.com/bkecf@sterneisenberg.com
Steven P. Kelly on behalf of Creditor U.S. Bank National Association, as Trustee for Stanwich Mortgage Loan Trust, Series 2012-3 skelly@sterneisenberg.com, bkecf@sterneisenberg.com
William H. Oliver, Jr. on behalf of Debtor Yvonne Esther Tolliver bkwoliver@aol.com
William M.E. Powers, III on behalf of Creditor Wilmington Trust, National Association, not in its individual capacity but as Trustee of ARLP Securitization Trust Series 2015-1
ecf@powerskirn.com

TOTAL: 7